

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A 15215-PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013032	International filing date (<i>day/month/year</i>) 17.11.2004	Priority date (<i>day/month/year</i>) 20.11.2003
International Patent Classification (IPC) or national classification and IPC G03G15/08		
Applicant SCHOTT AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-13 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>6, 9</u>	YES
	Claims	<u>1-5, 7, 8, 10-13</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-13</u>	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
<p>1. This report makes reference to the following documents:</p> <p>D1: JP 10 326 051 (8 December 1998)</p> <p>D2: US 4 505 573 (19 March 1985)</p> <p>D3: US 4 958 193 (18 September 1990)</p> <p>D4: JP 6 222 657 (12 August 1994)</p> <p>D5: US 4 370 056 (25 January 1983)</p> <p>D6: US 4 743 937 (10 May 1988)</p> <p>D7: US 6 088 559 (11 July 2000)</p> <p>D8: US 6 185 394 (06 February 2001)</p> <p>2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).</p> <p>Document D1 discloses (abstract; [0026]-[0033]; figures 1, 2) a developer unit with a toner supply and a toner applicator (23), toner being applied to a developer (30) by the toner applicator (23), which can be set flat against an OPC (10), the developer (30) comprising a developer belt (34)</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>with sections set against the surface of the OPC (10) in the contact zone.</p> <p>The subject matter of claim 1 is also not novel over D2-D6 (see the passages cited in the search report).</p> <p>3. Dependent claims 2-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements; see documents D1-D8 and the corresponding passages indicated in the search report.</p> <p>In particular, it is pointed out that:</p> <ul style="list-style-type: none">• Like claim 6, D4 shows in figure 4 a discharge brush. A corona discharge device represents an obvious alternative which a person skilled in the art would choose without being inventive.• Like claim 10, D3 discusses in column 1, lines 37-41; column 12, lines 13-18; and column 21, lines 58-62, a roughness or peak-to-valley height equal to 2 mm of a developer unit. The configuration of the developer unit as a belt is explained in column 3, lines 47-53, and depicted in figure 3.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1-3 use the English abbreviation OPC. For reasons of clarity, it would be suitable to replace this abbreviation by a German term [German text only].
2. Claim 11 mentions "the coated surface". It is unclear whether this means the toner-coated surface or a special surface layer applied as a "coating".